

DOWD, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

Chappell & Co. et al.,)
Plaintiffs,) CASE NO. 5:08 CV 3000
v.)
111 North Main Street, Inc., et al.,)
Defendants.)
)

This case was referred to United States Magistrate Judge Benita Pearson for general pre-trial supervision. ECF 9. Subsequently, plaintiffs moved for entry of a stipulated consent decree and filed an addendum thereto.¹ ECF 14 and 15.

Magistrate Judge Pearson issued a Report and Recommendation regarding the motion for entry of a consent decree. ECF 16. Magistrate Judge Pearson recommends that plaintiffs' motion for entry of a consent decree be granted, that the proposed consent decree (ECF 14-2) be entered, and that the case be dismissed with prejudice.

Under the relevant statute:

Within ten days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

¹ The addendum is a notarized statement by Michael Owen stating that he is the President of defendant 111 North Main Street, Inc. with authority as to the Consent Decree. Michael Owen's notarized statement does not alter the terms of the Consent Decree filed at ECF 14-2.

(5:08 CV 3000)

28 U.S.C. § 636(b)(1)(C). In this case, the ten-day period has elapsed and no objections have been filed. The failure to file written objections to a Magistrate Judge's report and recommendation constitutes a waiver of a de novo determination by the district court of an issue covered in the report. Thomas v. Arn, 728 F.2d 813 (6th Cir. 1984), aff'd, 474 U.S. 140 (1985); see United States v. Walters, 638 F.2d 947 (6th Cir. 1981).

The Court has reviewed the Magistrate Judge's report and recommendation and adopts the same. Accordingly, plaintiff's motion for entry of a consent decree (ECF 14) is GRANTED, and the proposed consent decree will be entered.

The Clerk is directed to mail a copy of this Order to the defendants at their address of record.

IT IS SO ORDERED.

May 26, 2009
Date

s/ David D. Dowd, Jr.
David D. Dowd, Jr.
U.S. District Judge